IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 9TH JULY 2007 / 18TH ASHADHA 1929

OP.No. 20526 of 1999(R)

PETITIONER:

STATE BANKS STAFF UNION,
51, KARAPPASWAMY MAISTRY STREET,
K.K. PUDUR, COIMBATORE,
REPRESENTED BY ITS DEPUTE GENERAL SECRETARY,
SRI. V.M.S. RAMAKRISHNAN.

BY ADV. SRI.P.RAMAKRISHNAN

RESPONDENTS:

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1. CENTRAL GOVERNMENT LABOUR COURT,
ERNAKULAM.

2. STATE BANK OF INDIA,
REPRESENTED BY ITS DEPUTY GENERAL MANAGER,
ZONAL OFFICE, SHANMUGHAM ROAD,
ERNAKULAM.

BY ADV. SRI.GEORGE THOMAS (MEVADA)

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 09/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

O.P.NO.20526 OF 1999

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: TRUE COPY OF THE SHOW CAUSE NOTICE DATED 23.9.83 ISSUED TO SRI. P.V. VIJAYAN BY THE 2ND RESPONDENT.

EXT.P2: TRUE COPY OF THE ENQUIRY REPORT DATED 29.6.84 SUBMITTED BY SRI. M. EASAW, IN RESPECT OF THE ENQUIRY CONDUCTED AGAINST SRI.P.P. PRASANNAN.

EXT.P3: TRUE COPY OF THE COMMON AWARD PASSED BY THE 1ST RESPONDENTS DATED 30.9.97.

TRUE COPY

PA TO JUDGE.

S. SIRI JAGAN, J.

O.P.NO. 20526 OF 1999

DATED THIS THE 9th DAY OF JULY, 2007

JUDGMENT

The petitioner is a Union espousing the cause of three workmen employed by the 2nd respondent, bank. Those three workmen obtained promotion on the basis of certificates from Schools stating that they are passed VIIIth standard from the respective Schools. Later on, the bank found out that the certificates produced by the workmen were not genuine. Charge sheets were issued to the workmen. Domestic enquiries were conducted in which the charges against the workmen were found to be proved. Pursuant thereto punishment of dismissal was imposed on the workmen which was later converted into reversion to the original post. The Union raised an industrial dispute and by Ext.P3 award, the Central Government Labour Court, Ernakulam upheld the enquiries as also the punishment imposed. Ext.P3 is the said award which is under challenge in this writ petition.

2. The Union did not challenge the validity of the enquiry as such but only the findings therein. The Labour Court found that the charges against the workmen were proved in enquiries in which the concerned Headmasters/Headmistresses were examined as a witnesses, who disclaimed the certificates. On that basis, the Labour

Court found that the charges were proved by the management and therefore the punishment imposed on the workmen are legal, valid and proper. The contention of the counsel for the Union is that the charges were not properly proved. The Labour Court specifically found that the concerned Headmasters/Headmistresses having given evidence to the effect that the certificates produced by the workmen were not genuine, the findings by the Enquiry Officer is supported by evidence on records. I do not find anything perverse in that finding. Without entering a finding that the award is perverse I cannot interfere with the award under Article 226 of the Constitution of India.

In the above circumstances, I do not find any merit in the writ petition. Accordingly, the same is dismissed.

S. SIRI JAGAN, JUDGE

Acd